

## **REMARKS:**

Claims 1-4, 7, 15-19, 21, and 23-32 are pending in the present application.

There are four pending independent claims: 1, 16, 28, and 30. Claims 1-4, 7, 15, and 24-27 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kobylinski et al. (U.S. Patent No. 7,242,938) in view of Scholefield (U.S. Patent No. 5,752,193) and in further view of Gorsuch (U.S. Patent No. 6,526,034). Claims 16, 17, 19, 23, and 30 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Scholefield in view of Gorsuch. Claim 28 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Kobylinski in view of Gorsuch. Applicant respectfully traverses these rejections.

### *Claim 1*

Applicant's method claim 1 recites, in pertinent part (emphasis added):

a mobile device sniffing for available cellular frequency channels;  
the mobile device requesting from a base station, an allocation of cellular  
frequency channels from the available cellular frequency channels;  
...  
**bonding a short-range radio channel with the allocated cellular  
frequency channels** thus *increasing available bandwidth* for data  
communication between the mobile station and the base station;  
and  
transmitting data to the base station over the bonded short-range radio  
channel and the allocated cellular frequency channels.

The Examiner has acknowledged that the combination of Kobylinski and Scholefield does not specifically disclose bonding of the allocated cellular channels and the short range channel. However, the Examiner asserts "Gorsuch discloses bonding ... (see fig.6, where the short range 802.11 and cellular CDMA components are combined for transceiving, where the output is thus a combined/bonded channel), thus increasing bandwidth for data communication... (fig 5, 617 and 615, notice that both elements are wirelessly connected to base stations 611A and

605)...” Applicant respectfully disagrees with the Examiner’s characterization of the art, and the application of that characterization to Applicant’s claims.

Gorsuch is directed to “a technique for communicating with a local area network (LAN) via a wireless connection” that “determines whether a first short-range, high-speed, wireless communication path is available and connects to the LAN using a longer range, lower speed wireless communication path if the short-range, high-speed wireless communication path is not available.” *See* Abstract (emphasis added). To this end, Gorsuch clearly shows in FIG. 6 that there are switches 211a and 211b that connect either the CDMA transceiver 140 **OR** the 802.11 transceiver 240 to the antenna 150. This conclusion is reinforced by Gorsuch’s specification. *See* col. 2, lines 55-59 (noting that the “present invention” “is a single device which connects directly to a W-LAN using a protocol such as IEEE 802.11 when such a connection is possible” and that “automatically reverts to connecting to the long range network only when out of range of the W-LAN base stations”).

From the foregoing, Applicant submits Gorsuch is a system that uses one transceiver or the other, and not both at any given time. As such, Gorsuch is NOT disclosing “bonding” of the CDMA channels and the WLAN channels as recited in Applicant’s claims. Applicant’s specification discusses “bonding,” for example in paragraphs [0008] and [0009]:

The short-range transceiver communicates over a short-range radio channel with a means for bonding the short-range radio channel with the cellular frequency channels to increase bandwidth.

The system allows an end-user of a mobile device, such as a mobile phone or portable computer, to increase the bandwidth of available radio channels on demand for transmitting messages and information quickly over wireless channels. This is achieved by aggregating available wireless channels to increase the overall bandwidth ...

Thus, “bonding,” as used in Applicant’s claims and specification, refers to “**aggregating**” “wireless channels to increase the overall bandwidth.”

Applicant submits none of the references taken either singly or in combination teaches or suggests the combination of features recited in Applicant’s claim 1.

Accordingly, for at least the reasons given above, Applicant submits claim 1 and its dependent claims patentably distinguish over the cited references.

*Claims 16, 28, 30*

Claims 16, 28, and 30 recite features that are similar to the features recited in claim 1. Accordingly, for at least the reasons given above, Applicant submits that these claims and their respective dependent claims also patentably distinguish over the cited references.

**CONCLUSION:**

Applicant submits the application is in condition for allowance, and an early notice to that effect is requested.

If any extension of time (under 37 C.F.R. § 1.136) is necessary to prevent the above-referenced application from becoming abandoned, Applicant hereby petitions for such extension.

The Commissioner is authorized to charge any fees that may be required, or credit any overpayment, to Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C. Deposit Account No. 501505/6057-60300/SJC.

Respectfully submitted,

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